

E-filed 12/16/05

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Attorneys for Defendants
CITY OF SAN JOSE, HAPPY HOLLOW PARK & ZOO

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TERI SMITH,

Plaintiff,

vs.

HAPPY HOLLOW PARK & ZOO; HAPPY
HOLLOW CORPORATION; CITY OF
SAN JOSE; and DOES 1-25

Defendants.

NO. C04 01178 JF

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
ORDER THEREON**

Plaintiff Teri Smith and Defendants Happy Hollow Park & Zoo and City of San Jose, by and through their attorneys of record, hereby stipulate that the December 16, 2005 Further Case Management Conference in this matter be rescheduled to **January 20, 2005 at 10:30 a.m.** Good cause exists for this extension in that:

- 1) The parties participated in a productive settlement conference on August 29, 2005 before Magistrate Patricia V. Trumbull;
- 2) Given the number of alleged violations of the Americans with Disabilities Act and related statutes Plaintiff has identified at the City of San Jose's Happy Hollow Park & Zoo and the sheer size of that facility, Defendant City of San

Jose will require additional time to propose and consider necessary conditions to the settlement;

- 3) The parties wish to avoid incurring unnecessary attorney's fees and costs;
- 4) Defendant City of San Jose requires additional time to work with its experts; and
- 5) A later Case Management Conference will be more productive once the parties have actually completed their further settlement discussions.

Dated: December 9, 2005

RICHARD DOYLE, City Attorney

BY: /s/ Brian C. Hopper

BRIAN C. HOPPER

Deputy City Attorney

Attorneys for Defendants

CITY OF SAN JOSE, HAPPY HOLLOW
PARK & ZOO

Dated: December 9, 2005

THIMESCH LAW OFFICES

By: /s/ Timothy Timesch

TIMOTHY TIMESCH, ESQ.

Attorneys for Plaintiff

TERI SMITH

I attest that Plaintiff has approved and signed this document, and given consent to the filing of the same with the court.

Dated: December 9, 2005

RICHARD DOYLE, City Attorney

BY: /s/ Brian C. Hopper

BRIAN C. HOPPER

Deputy City Attorney

Attorneys for Defendants

CITY OF SAN JOSE, HAPPY HOLLOW
PARK & ZOO

ORDER

Pursuant to the stipulation by the parties hereto and good cause appearing therefor, the December 16, 2005 Further Case Management Conference is hereby rescheduled to 10:30 a.m. on January 20, 2006.

Dated: 12/14/05

/s/electronic signature authorized

JEREMY FOGEL

UNITED STATES DISTRICT JUDGE